

NORTH CAROLINA

CABARRUS COUNTY

IN RE:

CORONAVIRUS  
(COVID-19)

CABARRUS COUNTY, C.S.C. ADMINISTRATIVE ORDER  
20- 16

BY 

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR AND DISTRICT  
COURT DIVISION

20 R 252

2020 MAY 29 P 3:46

The undersigned Senior Resident Superior Court Judge and Chief District Court Judge for Judicial District 19A enter this administrative order related to coronavirus (COVID-19) issues to comply with the with Emergency Directives of the Chief Justice.

### GENERAL PRINCIPLES

The Courts of Cabarrus County have remained open and will continue to do so during these challenging times while doing our best to protect public health and the health of those who work and visit our courthouse.

All officers of the Court and those working in the Cabarrus County Courthouse should be familiar with and follow the Chief Justice's Emergency Directives as well as this Court's Administrative Order 20-15 (Safety Order) entered on May 29, 2020.

No inmate shall be brought from the jail to the courtroom without express permission of the presiding judge in the case. Except for good cause, all jail cases shall be addressed remotely.

No person who has recently been exposed to COVID-19, who is experiencing symptoms consistent with COVID-19, or who is ill should enter the courthouse.

To avoid crowded courtrooms, lawyers must be proactive in communicating with their clients regarding when their client should appear in the courtroom. Sorting out time slots at calendar calls is not acceptable during this pandemic.

The Court encourages the use of Online Services to reduce appearances at the courthouse and the Court Date Notification system to help defendants or other interested persons keep track of court dates.

The provisions of Administrative Orders 20-5, 20-9, 20-14 related to DNA collection, Writs, Appointment of Counsel in Felony Cases, Stay of OFA/FTA Service on Misdemeanors and Child Support Contempt, Non-Continuous Periods of Confinement, and the Grand Jury are extended until July 1, 2020.

The Court's Administrative Order 20-10 (Pretrial Release Policy (Temporary Modification)) is extended until July 1, 2020.

The Court continues to welcome recommendations and appreciates the spirit of cooperation as we meet these challenges.

## **CABARRUS COUNTY SUPERIOR COURT**

### **SUPERIOR CRIMINAL COURT:**

1. All jury trials are cancelled pursuant to the Chief Justice's Emergency Directive 10 during the months of June and July 2020. All weeks of criminal court are converted to administrative weeks or sessions. Absent extenuating circumstances, only two ADAs should be assigned to each week of court. Only those ADAs' cases should be calendared during their assigned week. Add-ons will be addressed on a case-by-case basis.
2. Each week of court should have daily calendars.
3. Attorneys should initially request the day or days of the week that their cases are calendared. ADAs should use their best efforts to accommodate the requests they receive. Many attorneys have already expressed a preference for the day or days of the week that their cases are calendared for the week of June 1. The day(s) chosen by counsel shall carry forward in future calendars unless otherwise agreed.
4. Once calendars are published, attorneys should contact the assigned ADA for each case to discuss resolution and a time the case should be scheduled. This process should be complete the Wednesday prior to the start of the session.
5. There shall be an online calendar call each Thursday at 2 pm prior to the start of the session to confirm time slots, announce continuances, and settle scheduling disputes (if any).
6. Attorneys are responsible for communicating time slots to their clients. Every effort should be made to communicate with your clients, who may have been texted by the Court Date Notification system to be at court at 9:30 AM, when counsel has agreed to a later time slot. The Court is depending on you to communicate this vital information.
7. Except for good cause, all pleas should be addressed remotely using either MS Teams or Webex. Counsel should be familiar with both programs and have an electronic device with a camera, microphone and access to the internet. All documentation (Plea Transcript, Information, etc.) must be submitted to the ADA sufficiently prior to the plea such that the same can be presented to the Court when the plea is taken.
8. For in custody pleas from the Cabarrus County Jail, counsel may be either present in Courtroom 1 or appear remotely. If counsel will appear remotely, then he or she should make that preference known when the case is scheduled and provide the email address to

be used by counsel. The default position for scheduling will be that counsel will be present in the courtroom.

9. For in custody pleas from another facility, the same options apply. The Senior Resident Superior Court Judge can assist in working with the facility to schedule the plea upon request of either the ADA or defense counsel.

10. For out-of-custody pleas, counsel may either be present in Courtroom 1 or appear remotely. The defendant may appear remotely with counsel in one location or separately on his or her own device. If counsel and the defendant choose to appear on one device, both must be satisfied that the same can be accomplished safely. The preference for counsel and the defendant regarding their appearance must be made known when the case is scheduled. Email addresses for anyone appearing remotely should be submitted to the ADA when the case is scheduled.

11. Defendants needing to be advised of counsel should be spread throughout the week to avoid overcrowding. At the request of the Senior Resident Superior Judge, our Clerk may advise these defendants of their right to counsel prior to the start of the session. For those so advised, they do not need to appear at the session and the case shall be continued to the ADA's next court date. If counsel is appointed, then counsel should contact their client to confirm that they do not need to be present that week.

12. During this pandemic, anyone appearing in the Cabarrus County Courthouse for a superior court criminal case should be there for a meaningful event. Defendants should not be directed to appear to merely check in with the Court. If the prosecutor and the defense attorneys/defendant do not believe that a meaningful event can occur in the case, then the matter should be continued by consent. If a meaningful event can occur in the case, absent good cause, it should occur remotely. The Defendant should not be brought into the courthouse during these times merely to see if a plea can be worked out while he or she waits in the building. The lobby is no place to complete a Plea Transcript during a pandemic.

13. The courtroom shall remain open to the public, but the maximum audience capacity of Courtroom 1 is 27.

14. Everyone is welcome to wear facemasks or other personal protective equipment in the courtroom as well as the courthouse.

## SUPERIOR CIVIL COURT:

1. All jury trials are cancelled pursuant to the Chief Justice's Emergency Directive 10 during the months of June and July 2020. All sessions scheduled during these months are converted to administrative civil session. The Civil Plea Days of June 10 and July 22 are cancelled.
2. Absent good cause, all hearings scheduled after the week of June 8, 2020 shall be remote. Emergency Directive 9. Counsel should be familiar with teleconferencing using both WebEx and Microsoft Teams and have an electronic device with a camera, microphone and access to the internet.
3. There will be no calendar call for civil sessions. Time slots will be assigned in advance of each session by the method explained below.
4. Based upon calendar notices or action by the Court, a "Draft Scheduling Calendar" will be prepared and posted by the Trial Court Coordinator at least 15 days in advance of the session. Cases will be prescheduled for the Draft Scheduling Calendar to be assigned time slots on specific days throughout the week.
5. Time slots will be assigned on a first come, first served basis. Cases will be scheduled such that there will never be more than a few people in the courtroom at a time.
6. The courtroom shall remain open to the public, but the maximum audience capacity of Courtroom 5 is 17.
7. Court will open at 10 am on Monday and 9:30 am each day thereafter of each session.
8. In selecting a time to schedule cases, the parties will have the following options: (1) x day, am, (2) x day, pm, and (3) x day, all day.
9. Counsel/parties should work together to agree upon a scheduling selection. It is extremely important that you accurately estimate the time of the hearing. The Court would rather have idle time in the courtroom than inconveniencing other parties by having to wait.
10. Ten days before the session, the parties should communicate by email to our TCC ([Lindsay.a.daniels@nccourts.org](mailto:Lindsay.a.daniels@nccourts.org)) your scheduling preferences. The Court will do its best to accommodate your choice. Those that do not respond will be given an assigned time

slot without further input from counsel or the parties. Absent good cause, all cases scheduled will be addressed remotely, and all email addresses should be submitted with scheduling preferences. If there is a request for an in-person hearing, then the reasons for the request should be submitted with the scheduling preference.

11. The Court welcomes the opportunity to have remote conferences about cases any time whether the matter is calendared or not. Any request for a scheduling conference should be submitted to Ms. Daniels by email.

12. The Court encourages parties to participate in remote mediation.

13. Unless amended herein, Judicial District 19A's local rules remain in effect.

## **CABARRUS COUNTY DISTRICT COURT**

### **GENERAL PROVISIONS:**

1. No inmates or juveniles in secure custody will be transported to the courtroom except for good cause shown, and at the express direction of the presiding judge. No writs will be allowed through July 31, except for good cause shown.

2. All persons in the courtrooms are strongly encouraged to wear a mask and/or gloves and remain at least six feet away from one another inside the courtroom.

3. Calendar calls will be relaxed. Each person or case on the docket is not expected to be present at the beginning of the court session but should be present if given a specific time to report. Attorneys should not congregate in the halls, lobbies, or courtrooms in groups unless they are working on a case.

4. Best practices for WebEx or virtual hearings should be followed, including:

a. Each person testifying, arguing or appearing during the hearing should be present on the WebEx call only and not attempt to appear in person in court.

b. The presiding Judge will set up the WebEx call and invite participants. Clerks or attorneys may share the sign-on information with parties.

c. Each person is encouraged to use his or her own device outside of the courtroom with headphones to reduce sound interference with the recording of the hearing.

d. Each person invited to the hearing should sign on at his or her designated time, and may wait in the virtual lobby until his or her hearing is called.

## DISTRICT CRIMINAL COURTS:

1. Private warrant court is cancelled. All private warrant cases will be sent to mediation or handled in Courtroom #2.
2. Truancy court is cancelled in June and will resume in September.
3. Probation Court in June will begin at 11AM and be limited to approximately 30 defendants. Probation Court in July will begin at 2 PM and be limited to approximately 40 defendants.
4. Juvenile Delinquency Court will begin at 9:30 AM each week, with cases assigned to specific report times. Hearings will be assigned to special sessions if deemed necessary by the CDCJ.
5. Criminal District Court will have a calendar call at 9AM and 10:30 AM for all defendants who are appearing in court for the first time and who have waived their right to an attorney. About 11:15 AM the Court will handle jail pleas by waiver over video. Criminal District Court will have a calendar call at 2PM for defendants represented by attorneys. Attorneys are strongly encouraged to handle their cases by waiver or having their clients on call. About 3:30 PM the court will handle attorney's jail cases by waiver over video.
6. Traffic Court will take place in the District Criminal Clerks' Office. Defendants will wait in Courtrooms #1 and 2 on the second floor until they are led by the bailiffs to the Clerk's Office in small groups to handle their cases. Attorneys are encouraged to make an appointment with the District Attorney's Office to resolve their cases before Traffic Court whenever possible.
7. First Appearance Court will take place on Monday, Thursday and Friday, with jail video first appearances taking place at 10:30 AM

## DISTRICT CIVIL COURTS:

1. Involuntary commitment hearings shall be by telephone with staff from Atrium Health, the respondent's attorney and the Judge until further notice.
2. DSS Child Support Court will be held in June and July on Mondays from 9AM to 11AM via WebEx or another virtual video platform. Any person needing to be advised regarding a FTA, FTC, or OSC regarding child support shall be advised via video call during this session.
3. DSS Child Support Court will be held in June and July on Fridays from 8:30 AM to 4 PM, with a maximum rate of approximately 15 cases scheduled per half hour of court time.

4. DSS Child Welfare Court will be held in June and July on Mondays from 11AM to 1PM, and on Thursdays from 9:30 AM to 12:30PM via Webex or another virtual video platform.

- a. DSS must provide information for NOH to the Clerk's office 20 days before court.
- b. The Clerk shall provide notice to the parties and attorneys 15 days before court.
- c. DSS and GAL shall provide email copies of court reports and other evidence 7 days before court.
- d. Email invitation for the video conference shall be provided 7 days before court.
- e. Request for judicial assistance in obtaining video testimony of an inmate held in a location other than Cabarrus County shall be provided 15 days before court.
- f. DSS Seven Day Hearings or other hearings for which good cause has been shown for an in-person hearing may be scheduled from 2PM to 5PM on Thursdays. During these hearings all witnesses, counsel and parties must always maintain a distance of at least 6 feet from each other. Only in-person hearings deemed necessary and appropriate by the presiding judge will be allowed.

5. Small claims court will resume after June 1. All parties are encouraged to resolve as many cases outside of court as possible to reduce the backlog of pending cases for summary ejectment and complaints for monies owed.

6. Domestic Violence Court will be arranged so that plaintiffs are seated in the courtroom for calendar call at 9:30 AM, then defendants will be called in as the cases are called for hearing. Testimony may be taken from the counsel table in order to provide adequate social distancing.

7. CVD and CVO administrative civil courts will have assigned time slots for cases to be reviewed at a rate of approximately 10 per half hour in CVD court and 15 per half hour in CVO court. These times will be assigned by the Clerk's Office outside of court. CVD Court will start at 10:00 AM in June and July. CVO court will move to Fridays in June and July and start at 9:30 AM.

8. Divorce cases not assigned to the Divorce by Clerk procedure will be scheduled in time slots for Divorce Court (DIV1) at 9:30 AM on Fridays for pro se individuals and 10:00AM on Fridays for cases filed by attorneys (DIV2).



9. All civil cases requiring a hearing will be scheduled for CV1 court by the District Court Judges' Office after receipt of a Domestic Hearing Request Form or General Civil Hearing Request Form. All parties and attorneys are encouraged to wait elsewhere for their case to be called before entering the courtroom. No parties or attorneys are expected to be present for calendar call except the first case set for hearing. Video hearings via WebEx are available with the consent of all parties and at least 48 hours' notice to the presiding judge.

10. Pre-trial conference will be held via WebEx throughout the months of June and July, involving the attorneys and the judge. The requirement for a pre-trial conference may be waived by the presiding judge for cases involving only child custody and/or cases involving pro se parties, or for other good cause shown.

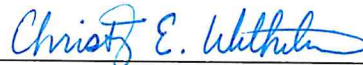
11. All attorneys and parties are encouraged to continue to utilize mediation, including child custody and family financial mediation, arbitration, co-parenting programs and other extrajudicial settlement methods during this time to reduce the number of cases on the docket requiring hearing time before the Court.

IT IS SO ORDERED.

This the 29<sup>th</sup> day of May 2020.



Martin B. McGee  
Senior Resident Superior Court Judge



Christy E. Wilhelm  
Chief District Court Judge